

Appl. No. 09/644,390  
Amdt. dated May 5, 2004  
Reply to Office Action of February 23, 2004

R E M A R K S

In the Office Action, claims 1-7 were rejected under 35 USC 102 as being anticipated by Siedentop (US 6,329,909) for reasons set forth in the Office Action. Reconsideration of these rejections is requested respectfully in view of the argument herein. New claim 8 is presented for further definition of the invention, and finds support in the specification on page 3 at line 2, wherein there is disclosure of frequency hopping.

It is urged that Siedentop does not disclose nor suggest frequency hopping nor other form of alteration in carrier frequency, as is explained in the following argument.

Upon study of the teachings of Siedentop, it appears that Siedentop does not disclose the principle of transmitting a first coded electromagnetic signal (stimulus signal) to a portable transmitter and transmitting a second coded electromagnetic signal (enabling signal) by the portable transmitter via a process of altering the carrier frequency of the coded electromagnetic signals in a manner known only to the control unit and to the radio key. However, the Examiner appears to analyze Siedentop with different results.

On page 3 of the Office Action, at the end of the second paragraph, the Examiner refers to column 4 at lines 1 to 10 of

Sidentop. There, altering of the frequency is not addressed. To the contrary, the reference to the resonant circuit 106, 107 is normally understood by a skilled person as teaching a fixed frequency.

In the following paragraph of the same page of the Office Action, the Examiner refers to column 4 at lines 2 to 4 (included in the above citation), column 6 at lines 22 to 24, where no altering of frequency or frequency control is addressed, and column 10 at lines 36 to 42.

Column 10, lines 50 to 60, discloses that other carrier frequencies can also be used. In the foregoing cited passages of Sidentop, col. 10 at lines 39 and 41 clearly indicate that fixed frequency carries are used, with transmission of the question code signal at 125 kHz and with transmission of the control signal at 433 Mhz. Lines 52-53 teach that signals can be transmitted in parallel on different carrier frequencies. The plain meaning of the text is that the frequencies are fixed.

Furthermore, the foregoing passage of Siedentop, that "the signals can also be transmitted in parallel (on) at least two different carrier frequencies", suggests simultaneous transmission which could make sense for example for ensuring the transmission even if one frequency is suppressed by reflections. But the chance for unauthorized users to attack the security system increases if more frequencies are used in parallel. Therefore this sentence of the reference does not

give any hint to a skilled person in the direction of the present invention.

The foregoing cited passage from column 4 describes a magnetic coupling device (coil 106) for an RF (radiofrequency) field, and teaches nothing about whether a carrier has a fixed frequency or a variable frequency. The foregoing cited passage from column 6 refers to modulated and unmodulated forms of the control signal. Such modulation may be an amplitude modulation, a phase modulation, a modulation involving a sub-carrier, or modulation obtained by multiplication with another signal. There is no specific teaching about carrier frequency hopping or other modifications of a carrier frequency.

Against claim 4, column 2 at lines 12 to 16 and column 8 at lines 49 to 54 are cited. However, in the reference, there is no disclosure of changing the frequency. Therefore these parts of the reference can not give any hint of transmitting in the manner in which the carrier frequency is to be changed in this stimulus signal. The use of a random number according to column 8 lines 49 to 54 is a well-known cryptographic method which discloses nothing about the carrier frequency.

In connection with claim 7 the Examiner states that Siedentop discloses that in connection with a spectrum of different carrier frequencies, the enable signal contains a coded information item for modulating said spectrum. Neither in column 4 lines 1 to 7, nor in column 10 lines 36 to 59, is such a modulation disclosed in the sense of altering the frequency.

Further parts of the reference are cited against further independent claims but do not teach any kind of altering the frequency.

In view of the foregoing analysis, it is urged that the foregoing argument has overcome the rejection under 35 USC 102 to secure allowable subject matter in the claims.

In the event there are further issues remaining in any respect the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Since the present claims set forth the present invention patentably and distinctly, and are not taught by the cited art either taken alone or in combination, this amendment is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, enter this amendment, and to allow all of the claims in this case.

Respectfully submitted,  
Reinhold Berberich  
by: \_\_\_\_\_  
Martin A. Farber  
Attorney for Applicant  
Registered Representative  
Registration No. 22,345

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that the accompanying Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 5, 2004.

Dated: May 5, 2004

Martin A. Farber

866 United Nations Plaza  
New York, NY 10017-1872  
(212) 758-2878